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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,774	03/31/2004	Mun-choon Chan	Chan 5-1-22-5-29	5203
46850	7590	12/28/2005	EXAMINER	
MENDELSON & ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102			WENDELL, ANDREW	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/813,774	Applicant(s) CHAN ET AL.	
	Examiner Andrew Wendell	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashem et al. (US Pat# 6,748,222) in view of Agin (US Pat Appl# 2002/0119784).

Regarding claim 9, Hashem et al. system for providing load-balanced communication teaches means for monitoring for a message of a connection between a user element and a network Step S116 (Fig. 7); means for allocating if the message is a call set-up message (Communication initialization, Col. 9 lines 56-63), one of the processors to the connection in accordance with a load balancing algorithm (Col. 2 lines 35-62 and Col. 5 line 62-Col. 7 line 6). Hashem fails to teach about spreading codes to the connection with the same spreading factor.

Agin's managing processing resources in a mobile radio system teaches if the message is an allocation message, a set of spreading codes to the connection with the same spreading factor (Section 0026 and 0190).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate spreading codes to the connection with the same spreading factor as taught by Agin into Hashem et al. system for providing load-balanced communication in order to save costs in

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adding more base stations and prevent quality being decreased (Section 0012 and 0014).

Regarding claim 10, computer-readable medium claim 10 is rejected for the same reason as apparatus claim 9 since the recited elements would perform the claimed steps.

Regarding claim 1, method claim 1 is rejected for the same reason as apparatus claim 9 since the recited elements would perform the claimed steps.

Regarding claim 2, the combination of Hashem et al. teaches providing, by the one of the processors, a call-processing application to the connection (Col. 2 lines 35-62 and Col. 5 line 62-Col. 7 line 6).

Regarding claim 3, the combination of Hashem et al. teaches the step of measuring a utilization of each of the processors (Col. 2 lines 35-62 and Col. 5 line 62-Col. 7 line 6).

Regarding claim 4, the combination of Hashem et al. teaches one of the processors based on a CPU processor utilization load-balancing algorithm (Col. 2 lines 35-62 and Col. 5 line 62-Col. 7 line 6).

Regarding claim 5, the combination of Agin teaches determining the set of spreading codes with the same spreading factor (Section 0076 and 0190).

Regarding claim 6, the combination of Agin teaches the set of spreading codes depends on the number of legs for soft-handover/soft-handoff of the connection (Section 0050).

Regarding claim 7, the combination of Agin teaches the message of the connection is of a network operating in accordance with Universal Mobile Telecommunications Systems network standard (Section 0002).

Regarding claim 8, the combination of Agin teaches wherein the method is implemented in a processor of a radio network controller (Section 0010).

Conclusion

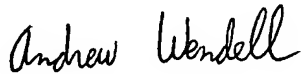
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eyuboglu et al. discloses a radio network controller. Hosein discloses a method and apparatus for congestion control in high speed wireless packet data networks. Sang et al. discloses a load-aware handoff and site selection scheme. Wallentin discloses a telecommunications interexchange measurement transfer. Chmaytelli et al. disclose a method and apparatus for adapting capabilities of a wireless communication system to load requirements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patent Examiner

Date: 12/19/2005



DUC NGUYEN
PRIMARY EXAMINER

ASW